

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

February 10, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Jeffrey Pelletier, Frank Dennett, Judy Spiller, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The Agenda was accepted as presented.

6. Town Manager's Report

Town Manager Puff stated relative to the BIG project, that a meeting had been held with all the involved parties on January 28<sup>th</sup>. A construction schedule was presented, of which most of the construction work would be done in Rockland and would be brought by barge to Kittery in May.

Town Manager Puff stated that the marketing destination materials were in Council's packet and a meeting was going to be held on February 28<sup>th</sup> on rebranding the Route 1 Bypass.

Town Manager Puff noted that the Police Chief was present to discuss the enforcement on out of state plates. Chief Short came to the podium and indicated that Kittery had a zero tolerance policy. He continued they would leave warnings on any cars that were thought to be in violation which gave the resident a short period of time to correct the problem. If the resident did not correct the problem, a summons would then be issued. Chief Short indicated that the amount of offenders has dropped greatly in the past few years and they were gaining voluntary compliance. Councilor Denault asked if enforcement efforts would be stepped up during the summer season. Chief Short responded that they would be making it a priority.

## APPROVED MINUTES

Town Manager Puff noted that the agreement with Eliot relative to dispatch services was coming up for renewal. She contacted Eliot about making a fee change and had looked at how much expenses had increased. Town Manager Puff stated they were going to ask Eliot for \$69,000 and it was currently \$60,000.

Town Manager Puff stated that she had done some training on Channel 22 and was able to post notices with ease.

Town Manager Puff indicated that two members of the police department had gone to Augusta to testify on the use of fake guns. Chief Short came to the podium and stated that there had been an incident at Traip regarding a fake gun and that there was a loophole in the state law that allowed for replica weapons. He continued that it was problematic because of the response that was needed and they had asked Senator Hill to sponsor a bill. Chief Short indicated that two officers and three students had testified and had done an excellent job. He continued they would have to wait and see what happens and currently there was nothing that could be done legally.

7. Acceptance of Previous Minutes – 1/27/14 and 1/30/12, 3/5/12, 3/19/12, 5/21/12, 7/2/12, 7/30/12, 9/19/14, 10/1/12, 10/29/12, 11/5/12, and 12/20/12.

The minutes of 1/27/14 and 1/30/12, 3/5/12, 3/19/12, 7/30/12, 9/19/14, 10/1/12, 10/29/12, 11/5/12, and 12/20/12 were accepted as presented. The minutes of 5/21/12 and 7/2/12 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (020114-1) The Kittery Town Council moves to authorize, through an alternative procurement method, in accordance with Section 3.2.7 of the Kittery Town Code, for the Purchasing Agent/Town Manager to enter into a contract with Layne Inliner, LLC for the permanent repair of a sewer pipeline and manholes on Walker Street from Otis Avenue to US Route 1.

Superintendent Kathios came to the podium and indicated this request was relative to the sewer main break on Walker Street on January 19<sup>th</sup>. He continued there was a great response by the town emergency staff and they had been able to shut off the pump within an hour of the call. Superintendent Kathios noted this request was to reline the sewer line with a special lining made of resin that took the shape of the original line. He continued this method would cost \$86,000 whereas it would cost between \$500,000 to \$750,000 to dig up and replace the existing line. Superintendent Kathios noted they had used this company before and they were the lowest bidder and that something needed to be done immediately.

APPROVED MINUTES

**COUNCILOR DENAULT MOVED TO AUTHORIZE, THROUGH AN ALTERNATIVE PROCUREMENT METHOD, IN ACCORDANCE WITH SEC. 3.2.7 OF THE KITTERY TOWN CODE, FOR THE PURCHASING AGENT/TOWN MANAGER TO ENTER INTO A CONTRACT WITH LAYNE INLINER, LLC FOR THE PERMANENT REPAIR OF A SEWER PIPELINE AND MANHOLES ON WALKER STREET FROM OTIS AVENUE TO US ROUTE 1, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

10. PUBLIC HEARINGS - None

11. DISCUSSION

a. Discussion by members of the public (three minutes per person) –

Dot Avery, Manager of the Kittery Community Market, came to the podium and stated that the market had been a huge success and they wanted to donate to the KCC. She continued the winter market was open from 12-3 every other Sunday.

b. Chairperson's response to public – None

12. UNFINISHED BUSINESS –

a. (010314-1) The Kittery Town Council moves to approve and hereby ordains amendments to Title 2, Administration and Personnel, Chapter 2.4 Personnel Positions Established and Chapter 2.5, Compensation, of the Kittery Town Code.

Chairperson Thomson indicated that there was a motion currently on the floor.

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

b. (010314-4) The Kittery Town Council moves to approve amending the Personnel Positions – Classification Policy to include the two proposed job descriptions as presented for the Kittery Community Center.

**COUNCILOR WHITE MOVED TO APPROVE AMENDING THE PERSONNEL POSITIONS – CLASSIFICATION POLICY TO INCLUDE THE TWO PROPOSED JOB DESCRIPTIONS AS PRESENTED FOR THE KITTERY COMMUNITY CENTER, SECONDED BY COUNCILOR SPILLER.**

APPROVED MINUTES

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

c. (120113-2) The Kittery Town Council moves to approve, and hereby ordains amendments to Title 16. 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4 Permit Period.

Chairperson Thomson indicated that the Planning Board wanted to postpone this item indefinitely.

**COUNCILOR DENNETT MOVED TO POSTPONE ACTION INDEFINITELY, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR.**

d. (010314-7) The Kittery Town Council moves to sign a certificate of settlement in accordance with 36 MRS 763 discharging Maryann Place as Tax Collector from further liability or obligation to collect the balance due for the years 2005-2013.

**COUNCILOR DENNETT MOVED TO MOVED TO SIGN A CERTIFICATE OF SETTLEMENT IN ACCORDANCE WITH 36 MRS 763 DISCHARGING MARYANN PLACE AS TAX COLLECTOR FROM FURTHER LIABILITY OR OBLIGATION TO COLLECT THE BALANCE DUE FOR THE YEARS 2005-2013, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

e. (010314-8) The Kittery Town Council moves to recommit the 2005-2013 taxes to Nancy Colbert Puff.

**COUNCILOR DENNETT MOVED TO RECOMMIT THE 2005-2013 TAXES TO NANCY COLBERT PUFF, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

**13. NEW BUSINESS**

a. Donations/gifts received for Council disposition

The Kittery Town Council moves to accept a donation from Maine Alpha Delta Kappa Epsilon Chapter in the amount of \$100.00 to be deposited into account #2063-43600, Kittery Recreation.

**COUNCILOR SPILLER MOVED TO ACCEPT A DONATION FROM MAINE ALPHA DELTA KAPPA EPSILON CHAPTER IN THE AMOUNT OF \$100.00 TO BE**

APPROVED MINUTES

**DEPOSITED INTO ACCOUNT #2063-43600, KITTERY RECREATION, SECONDED BY COUNCILOR BRAKE.**

Councilor Dennett stated that as he did not know who the organization was, he would not be voting in favor.

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6-1 (COUNCILOR DENNETT IN OPPOSITION).**

b. (020114-2) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

c. (020114-3) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Mary Safford Wildes Trust to interview Joyce Tobey for her re-appointment to that board until 2/28/17.

**COUNCILOR DENNETT MOVED WAIVE COUNCIL RULES AND REAPPOINT JOYCE TOBEY TO THE MARY SAFFORD WILDES TRUST, WITHOUT INTERVIEW, FOR A TERM ENDING 2/28/17, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

d. (020114-4) The Kittery Town Council moves appoint George Dow to the Economic Development Committee as a voting, business representative until 12/31/14.

**COUNCILOR BRAKE MOVED TO APPOINT GEORGE DOW TO THE ECONOMIC DEVELOPMENT COMMITTEE AS A VOTING, BUSINESS REPRESENTATIVE UNTIL 12/31/14, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

e. (020114-5) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from February 21<sup>st</sup> until March 1<sup>st</sup>, during the Town Manager's absence.

## APPROVED MINUTES

**COUNCILOR SPILLER MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM FEBRUARY 21<sup>ST</sup> UNTIL MARCH 1<sup>ST</sup>, DURING THE TOWN MANAGER'S ABSENCE, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Brake indicated that there has been a problem on Pocahontas Road with cars parking at the Fort Foster entrance during snow bans. Chief Short responded that a snow ban included all town roads and those cars needed to be moved.

Councilor Spiller stated that she and Council Denault hoped to bring forward an updated charge for the Shared Services Committee.

Councilor White noted that he was happy to see an updated list of the committees and boards in town.

Councilor Denault stated that Eliot had recently had their lieutenant leave and thought they should possibly look at sharing an interim. Chief Short stated he thought that was a worthy discussion to have and was worth exploring.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Chairperson Thomson read a letter he had received from the Boy Scouts who needed a merit badge. Councilor Denault stated he would do it.

Chairperson Thomson stated there was a workshop scheduled for February 24<sup>th</sup> with the auditor and business manager. He indicated there was going to be a workshop held on March 31<sup>st</sup> relative to sewer betterment projects.

#### b. Committee Reports –None

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR DENAULT MOVED TO ADJOURN, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:09 P.M.**